

DEPARTMENT OF SOCIAL SERVICES

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Regulation Package #0998-28

CDSS MANUAL LETTER NO. CFC-99-01

TO: HOLDERS OF CONFIDENTIALITY, FRAUD, CIVIL RIGHTS AND STATE HEARINGS MANUAL,
DIVISION 20**Regulation Package #0998-28****Effective 1/1/99****Section 19-004**

These amendments cite the section which addresses the confidentiality rules under the Domestic Abuse regulations (Eligibility and Assistance Standards (EAS), Section 19-004.4).

These regulations were adopted on an emergency basis effective January 1, 1999 and were considered at the Department's public hearing held on January 20, 1999.

FILING INSTRUCTIONS

Revisions to all manuals will again be shown in a [graphic screen](#). The attached pages are to be entered in your copy of the Manual of Policies and Procedures. The latest prior manual letter containing Confidentiality, Fraud, Civil Rights, and State Hearings changes was Manual Letter No. CFC-98-01.

Page(s)**Replace(s)**5 and 6
11 and 12Pages 5 and 6
Pages 11 and 12

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Attachment

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19-002	INFORMATION THAT IS CONFIDENTIAL (Continued)	19-002
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- .233 Provide other such safeguards or controls as prescribed by IRS guidelines and necessary or appropriate to protect the confidentiality of tax information;
- .234 Report annually in a format prescribed by SDSS the safeguard procedures utilized by the counties for ensuring that the confidentiality of tax information is being maintained; and
- .235 The county shall destroy IRS source material upon the independent verification of IRS tax information or upon completion of appropriate case action, whichever is earlier. Methods of destruction shall be those used for confidential material.

HANDBOOK BEGINS HERE

Penalties for Unauthorized Disclosure of Tax Information

State Tax Information (Franchise Tax Board)

"Except as otherwise provided in this article, it is a misdemeanor for the Franchise Tax Board or any member thereof, or any deputy, agent, clerk, or other officer or employee of the state (including its political subdivisions), or any former officer or employee or other individual, who in the course of his or her employment or duty has or had access to returns, reports, or documents required under this part, to disclose or make known in any manner information as to the amount of income or any particulars set forth or disclosed therein."

Federal Tax Information (Internal Revenue Service)

a) Criminal Penalties

"It shall be unlawful for any person (not described in paragraph (1)) willfully to disclose to any person, except as authorized in this title, any return or, return information (as defined in Section 6103(b)) acquired by him or another person under subsection (d), (i)(3)(B)(i), (l)(6), (7), (8), (9), (10), or (11), or (m)(2) or (4) of Section 6103. Any violation of this paragraph shall be a felony punishable by a fine in any amount not exceeding \$5,000, or imprisonment of not more than 5 years, or both, together with the costs of prosecution."

HANDBOOK CONTINUES

19-002	INFORMATION THAT IS CONFIDENTIAL (Continued)	19-002
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HANDBOOK CONTINUES

b) Civil Damage

"If any person who is not an officer or employee of the United States knowingly, or by reason of negligence, discloses any return or return information with respect to a taxpayer in violation of any provision of Section 6103, such taxpayer may bring a civil action for damages against such person in a district court of the United States."

HANDBOOK ENDS HERE

NOTE: Authority cited: Section 10850, Welfare and Institutions Code. Reference: Section 10850, Welfare and Institutions Code and Public Law (P.L.) 104-193, Section 837 (Personal Responsibility and Work Opportunity Reconciliation Act of 1996).

19-003	NONCONFIDENTIAL INFORMATION	19-003
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Statistical information and social data, that is not identified with a particular individual may be released.

Examples of information that may be released would include, but are not limited to such information as statements of the number of recipients, total expenditures per program or administration, average grant figures, and other general information concerning the case load as a whole.

19-004	RELEASE OF CONFIDENTIAL INFORMATION	19-004
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.1 General Rule

- .11 Confidential information may be released without the consent of the applicant/recipient, only for purposes directly connected with the administration of public social services except as specified in Section 19-004.4, [EAS Manual Section 42-715.3 which addresses the confidentiality rules under the Domestic Abuse regulations](#), or by statute. Public social services are defined as aid or services administered or supervised by CDSS or the State Department of Health Services.

.2 Contractors

Whenever a contract is entered into with a public or private agency which involves the release of confidential information, the contract shall contain a provision insuring that such information will be used in accordance with the restrictions found in W&IC Section 10850 and this division.

19-004	RELEASE OF CONFIDENTIAL INFORMATION (Continued)	19-004
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.5 Release of Confidential Information in Conjunction With a Lawsuit

If an applicant/recipient or caretaker relative becomes a party or plaintiff in any suit against the State of California, any political subdivision of the state, or any agency administering the laws governing the administration of public social services and such suit challenges the validity of the laws governing the administration of public social services or the manner in which the laws have been applied, the attorney representing the state, political subdivision, or agency shall be given access to all files and records relating to the plaintiff. Such files and records may be disclosed to the court having jurisdiction of the lawsuit insofar as they are relevant to the determination of any factual or legal issue in the case. In such cases, it should be brought to the court's attention, when presented with the requested information, of the state law and policy against further disclosure of the information.

On notice of court action ordering records to be produced, where the action is not connected with the administration of public social services, (see 19-002), the county shall notify the appropriate legal officer (county counsel). Such legal officer shall be requested to take immediate action to safeguard the confidential nature of the records.

.6 Release to Schools

.61 Confidential case information may be released to county superintendents of school and superintendents of school districts, and their representatives, as necessary for the administration of federally-assisted programs which provide assistance in cash, in-kind, or services directly to individuals on the basis of need. If such confidential information is released, the superintendent shall be informed of the criminal prohibition against the use or disclosure of such information for any purpose other than that for which it was obtained.

.62 Information concerning the number of AFDC families living within a particular school district requested to support entitlement to funds under the Elementary and Secondary Education Act (ESEA) may be released to authorized representatives of the school district. A signed agreement with the school district stating that the confidential information obtained will only be used for purposes of fund claiming under the ESEA and that the district understands that there is a criminal penalty for release or use by the school district for any other purpose shall be obtained. This prohibition includes the use of the confidential records to identify applicants or recipients to school teachers and administrators.

19-004	RELEASE OF CONFIDENTIAL INFORMATION (Continued)	19-004
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.7 Disclosure to Parents Who Wish to be Reunited With Their Family

- .71 Where a person claims to be an absent parent, her/his identification should be verified.
- .72 No acknowledgement to the requesting parent that the child(ren) or other parent are receiving aid may be made.
- .73 If the family is aided, the aided caretaker shall be contacted for permission to release information. If permission is granted, the information shall be released.
- .74 If the absent parent alleges that the aided parent has kidnapped, abused or neglected the child(ren), the case should be referred to the child protective services for appropriate action. The name and address of the applicant or recipient may be released to law enforcement officials for the purpose of locating abducting parents and the abducted child(ren).

.8 Release to Research Organizations

Information requested by research organizations may be released without authorization of the applicant/recipient. Research organizations requesting information must guarantee in writing that they will meet the conditions and protections of this division and Welfare and Institutions Code Section 10850.

.9 Release of Food Stamp Case Information to Law Enforcement Officials

- .91 In the Food Stamp Program, the address, social security number, and, if available, photograph of any member of a household, shall be made available to any Federal, State, or local law enforcement officer if the officer furnishes CDSS or the county welfare department with the name of the member and notifies CDSS or the county welfare department that:
 - .911 The member is fleeing to avoid prosecution, or custody or confinement after conviction, for a crime (or attempt to commit a crime) that, under the law of the place the member is fleeing, is a felony (or if from New Jersey, a high misdemeanor); or
 - .912 The member is violating a condition of probation or parole imposed under Federal or State law; or
 - .913 The member has information that is necessary for the officer to conduct an official duty related to Sections 19-004.911 and .912;
 - .914 Locating or apprehending the member is an official duty; and
 - .915 The request is being made in the proper exercise of an official duty.

NOTE: Authority cited: Sections [10553](#), [10554](#), and 10850, Welfare and Institutions Code. Reference: Sections [10850](#) and [11495](#), Welfare and Institutions Code and Public Law (P.L.) 104-193, Section 837 (Personal Responsibility and Work Opportunity Reconciliation Act of 1996).

